

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY DOUGLAS NIXON,

Petitioner,

V.

ELDON VAIL,

Respondent.

Case No. C09-5013 FDB

ORDER DENYING
APPLICATION TO PROCEED IN
FORMA PAUPERIS

The Magistrate Judge recommends that Petitioner's application to proceed *in forma pauperis* be denied. Petitioner has paid the filing fee and thus, his application is moot.

The Court, having reviewed the Report and Recommendation, Petitioner's application to proceed *in forma pauperis* and the remaining record, hereby finds and **ORDERS**:

- (1) The Magistrate Judge's Report and Recommendation is approved and adopted;
- (2) Petitioner's application to proceed *in forma pauperis* (Dkt. # 1) is **DENIED**; and
- (3) The Clerk is directed to send copies of this Order to Petitioner.

DATED this 27th day of February, 2009.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE